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REMARKS

Applicant and Applicant's representative wish to thank Examiner Mark Halpern for his courtesy during the telephone interview on November 15, 2005.

Applicant respectfully requests reconsideration of the present application. Currently claims 1-14 and 27-37 are pending in the application. New dependent claims 36 and 37 are added. No new matter is added. Support for the new claims 36 and 37 can be found throughout the specification, particularly on page 6, lines 10-12 and page 7, lines 6-9 and as shown in Figures 1-3. Claims 1-2, 5-8, 11-14, 27-32, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer (USP 6,189,237). Claims 3-4, 9 and 33 are rejected under U.S.C. 103(a) as being unpatentable over Mayer (USP 6,189,237) in view of Anderson (USP 6,207,020). The Applicant respectfully disagrees for the reasons stated below.

1. Claim Rejections Based on 35 USC § 102

The Examiner rejects claims 1-2, 5-8, 11-14, 27-32, and 35 under 35 USC § 102(b) as anticipated by Mayer (USP 6,189,237). This rejection is respectfully traversed.

To support a rejection of claims as anticipated under 102 (b), the Examiner must cite a single prior art reference which describes, either expressly or inherently, each and every element of the claim as set forth in the claim (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). The Examiner has not met this requirement.

The amended independent claim 1 recites "means for moistening the web adjacent to the moving support wherein the moistening means comprises a plurality of steam nozzles adjacent to the second surface of the web which results in steam condensation on the second surface of the

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web and within an interior region of the web". Similarly, the amended independent claim 27 recites "a moistening device configured to moisten the web adjacent to the moving support wherein the moistening device comprises a plurality of steam nozzles adjacent to the second surface of the web which results in steam condensation on the second surface of the web and within an interior region of the web". There is absolutely no disclosure whatsoever that Mayer (USP 6,189,237) describes or teaches that the moistening means or moistening device comprises a plurality of steam nozzles adjacent to the second surface of the web which results in steam condensation on the second surface of the web and within an interior region of the web. Therefore, Mayer (USP 6,189,237) does not teach each and every element of the invention as recited in the amended independent claims 1 and 27. Claims 2, 5-8, 11-14, and 36 (each of which depend from the independent claim 1) are not anticipated by Mayer (USP 6,189,237). Similarly, claims 28-32, 34, 35, 37 (each of which depend from the independent claim 27) are not anticipated by Mayer (USP 6,189,237). In addition, Mayer (USP 6,189,237) does not describes or teaches a means such as an air defector for stripping away a portion of the boundary layer adjacent the second surface of the web as disclosed and recited in claims 1 and 27 of the present invention. In fact, Mayer (USP 6,189,237) teaches away from the present invention in that the guide element 3 is taught to create a boundary layer, rather than strip one away (Col. 5, Lines 33-36). On the contrary, the present invention uses either one or two physical elements such as air foil 82 in Figure 1 and the entry jet box 90 in Figure 2 to at least partially remove the undesirable boundary layer. Therefore, Applicant respectfully submits that the rejection should be withdrawn.

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3. Claim Rejections Based on 35 USC § 103

Claim 3-4, 9, 33 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mayer (USP 6,189,237) in view of Anderson (6,207,020). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Indeed, both the suggestion and the expectation of success must be found in the prior art, not in the Applicant's disclosure. In re Vaeck, 20 USPQ2d 1438 (Fed. Cir. 1988) (emphasis added). More specifically, the Federal District Court of D.C., which has jurisdiction over the USPTO, recently ruled that the suggestion or motivation to modify or combine prior art must be explicit in the prior art. See Winner Int'l Royalty Corp. v. Wang, 48 USPQ2d 1139 (DCDC 1998). The Applicant believes that the Examiner has failed to make a *prima facie* case of obviousness.

Claims 3, 4, and 9 are dependent on the amended independent claim 1 and claim 33 is dependent on the amended independent claim 27. Applicant respectfully submits that claim 1 is non-obvious over Mayer (USP 6,189,237) in view of Anderson (6,207,020), and as such, claims 3, 4, 9 (all of which depend on claim 1) are non-obvious over Mayer (USP 6,189,237) in view of Anderson (USP 6,207,020), and are therefore allowable in its present form. Similarly, claim 27 is non-obvious over Mayer (USP 6,189,237) in view of Anderson (USP 6,207,020), and As such,

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claim 33 (which depend on claim 27) is also non-obvious over Mayer (USP 6,189,237) in view of Anderson (USP 6,207,020), and is therefore allowable in its present form.

In addition to above-mentioned deficiencies related to Mayer (USP 6,189,237), the subject matter taught by Mayer (USP 6,189,237) is directed to a process for drying a web. The Examiner contends on page 4 of the Office Action that "Mayer discloses a means, which is compressed air from a source blowing to press or direct steam off the web. The means can be used for the function of stripping away a portion of the boundary layer or for creating a boundary layer."(Emphasis added). It is incorrect to conclude that Mayer (USP 6,189,237) attempts to remove boundary layer air; since the boundary layer is exactly what Mayer (USP 6,189,237) relies on to push the steam through the web thickness. The word off suggests Mayer (USP 6,189,237) could be read as teaching an apparatus that scavenges steam from the web surface using compressed air. This is physically impossible, considering that the vapor pressure adjacent the web surface is increasing in the direction of travel due to the pressure wedge formed between web and air-tight guide element.

Mayer (USP 6,189,237) provides no apparent basis for concluding that a person of ordinary skill in the art would be motivated to modify the apparatus and method described therein so as to arrive at the claimed invention with a reasonable expectation of success in achieving the advantages of the claimed invention as recited in independent claims 1 and 27, and the depended claims 3, 4, 9, and 33; and fully described throughout the specification. Therefore, this rejection is in error and should be withdrawn.

With regards to Anderson (USP 6,207,020) which the moistening means is directed to the surface of the web as disclosed in Col. 2, Lines 41-46. However, the moistening means of the

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present invention is not only surface, but also interior region of the web as described above.

Therefore, the cited references neither suggest nor motivate a person of ordinary skill in the art to modify the cited reference so as to arrive at the claimed invention with a reasonable expectation of success in achieving the advantages of the claimed invention. It is readily apparent that the cited references are deficient and thus, the rejection is in error and should be withdrawn.

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CONCLUSION

Independent claims 1 and 27 are amended to overcome rejections under 35 U.S.C. 102(b) as being anticipated by Mayer (USP 6,189,237). Dependent claims 10 and 34 are amended to be consistent with the amended independent claims 1 and 27. Therefore, Applicant respectfully submits that amended independent claims 1 and 27 define patentable subject matter. The remaining dependent claims 2-14 and 28-37 all of which depend from amended independent claims 1 and 27 respectively and therefore also define patentable subject matter. Accordingly, Applicant respectfully request the withdrawal of the rejections under 35 USC § 102 and 35 USC § 103.

In view of the foregoing remarks, the application is believed to be in condition for the allowance, and such action is respectfully requested. Should the Examiner have any remaining questions and the attending to of which would expedite such action, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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